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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,491	09/29/2006	Carlo Innocenti	891,021	9745
24106	7590	08/19/2010		
EGBERT LAW OFFICES 412 MAIN STREET, 7TH FLOOR HOUSTON, TX 77002			EXAMINER COLILLA, DANIEL JAMES	
			ART UNIT 2854	PAPER NUMBER
			MAIL DATE 08/19/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/599,491

**Applicant(s)**

INNOCENTI ET AL.

**Examiner**

Daniel J. Colilla

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 5/28/2010 have been fully considered but they are not persuasive of any error in the below rejection.

With respect to applicant's arguments that the printer disclosed by Nagasaki *et al.* is not a thermal printer, it is noted that the printer is used with an ink ribbon that is described as "a heat melting type or a heat transfer type," Nagasaki *et al.*, col. 9, lines 62-64). Additionally, the print head 16 depicted in Fig. 11 of Nagasaki *et al.*, used with a platen roller and ink ribbon is typical of thermal printers and could not be any other type or printer known to the examiner.

Furthermore, Neither Nagasaki *et al.* or Oshino *et al.* are relied upon for teaching the first and second cassette. The Yamaguchi *et al.* reference along with the case law cited below are used for teaching this limitation.

Applicant further argues that Nagasaki *et al.* does not teach a base from which driving members extend. However, as shown below Nagasaki clearly does teach a base on which the cassette is inserted.

Additionally, applicant argues that the Oshino *et al.* does not teach the integral printhead adjustment arm and that Nagasaki *et al.* does not teach the series of idler rollers. These structures are taught by the prior art as mentioned below and thus it is not clear how applicant is interpreting these structures otherwise.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, line 7, "said second cassette" has no antecedent basis in the claims.

In claim 6, lines 5-8, applicant recites, "a first driving member corresponding to said spool of printing ribbon. . . and a second driving member corresponding to said spool of printing ribbon extending outwardly of *said second cassette*." This does not appear to make sense, firstly since the second cassette structure has not been introduced yet and secondly because the second cassette contains the ribbon medium not the printing ribbon. In order to expedite examination, the term "spool" in line 7 will be interpreted as --take-up core-- and the term "second cassette" will be interpreted as --first cassette.--

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaki *et al.* (US 6,317,156) in view of Oshino *et al.* (US 5,902,055) and Yamaguchi *et al.* (US 2002/0006303).

Nagasaki *et al.* discloses the claimed thermal transfer printer/labeler except for:

- a separate first cassette,
- a separate second cassette,

Additionally, Nagasaki *et al.* is silent on whether the drive roller includes rubber or not and whether the apparatus has a printhead adjustment arm integrally connected to the thermal printhead.

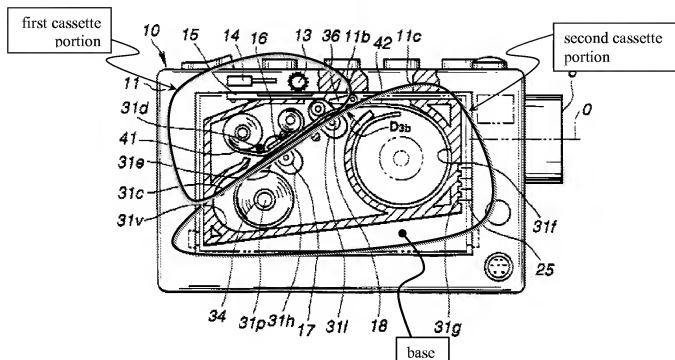
Nagasaki *et al.* discloses a thermal transfer printer apparatus comprising:

a base (the bottom of the cassette receiving opening as shown in Figs. 5(A) and 5(B) of Nagasaki *et al.*);

a thermal printhead 16 (as evidenced by the ribbon tape 41 being described as “a heat melting type or a heat transfer type,” Nagasaki *et al.*, col. 9, lines 62-64) positioned on said base;

a first cassette portion positioned on said base, as shown below in the figure taken from Fig. 12 of Nagasaki *et al.*:

**FIG.12**



Nagasaki further discloses said first cassette portion having a take-up core 33 and a spool 22 of printing ribbon 41 (also known as ink ribbon--as shown in Fig. 3 of Nagasaki *et al.*), said first cassette having a first driving 21 member corresponding to said spool of printing ribbon and extending outwardly of said first cassette and a second driving member 22 corresponding to said take-up core and extending outwardly of said first cassette, said first and second driving members 21,22 being suitable for receiving a driving force applied thereto (as shown in Fig. 4 of Nagasaki *et al.*).

Nagasaki *et al.* discloses a second cassette portion (as shown above) of an asymmetrical configuration positioned on said base, said second cassette having a spool 34 of a ribbon medium 42 and a take-up core 35 therein, said second cassette having a third driving member 31p

cooperative with said spool 34 of the ribbon medium 42 (as shown in Fig. 4 of Nagasaki *et al.*) and extending outwardly therefrom, and second cassette having a fourth driving member cooperative with said take-up core and extending outwardly therefrom. In col. 11, lines 11-14, Nagasaki *et al.* discloses that a rotatable roller 35 may also be used for securing the recording tape. This roller would inherently have to have a fourth driving member to accept the recording tape without jamming. In fact, Nagasaki *et al.* discloses a drive shaft 72q for a similar roller in another embodiment (Nagasaki *et al.*, col. 24, lines 11-12, see Fig. 40).

said third and fourth driving members suitable for receiving a driving force applied thereto, said thermal printhead 16 receiving the printing ribbon 41 and the ribbon medium 42 therein.

Nagasaki *et al.* further discloses a series of idle rollers 31e, 19 (see Fig. 3 of Nagasaki *et al.*) mounted on said base so as to receive the ribbon medium thereover; and

a motorized roller 18 mounted on said base in spaced relation to said series of idle rollers 31e, 19 said motorized rollers receiving the ribbon medium thereover.

While Nagasaki *et al.* does not explicitly recited a printhead adjustment arm integrally connected to said thermal printhead and suitable for adjustably moving said thermal printhead in said enclosing structure, they do recite that the print head 16 may be advanced and retreated (Nagasaki *et al.*, col. 12, lines (48-53)).

Oshino *et al.* teaches a printer for printing on ribbon medium including a thermal head 1 integrally attached to a printhead adjustment arm 28 as shown in Figs. 8a and 8b of Oshino and mentioned in col. 10, lines 4-8. It would have been obvious to combine the teaching of Oshino with the thermal transfer printer disclosed by Nagasaki *et al.* for the advantage of the u-shaped

groove 28a which engages the bearing 5 of the platen roller 2 for correctly positioning the print head with respect to the platen.

Nagasaki *et al.* discloses a drive roller 17 positioned adjacent said thermal printhead on said base, said drive roller 17 receiving the ribbon medium thereover.

Yamaguchi *et al.* teaches a platen roller 65 that is made of rubber (Yamaguchi *et al.*, paragraph [0065]). It would have been obvious to combine the teaching of Yamaguchi *et al.* with the printer disclosed by Nagasaki *et al.* for the advantage of a platen that firmly grips the receiving ribbon and that elastically receives the thermal head as it is pressed against the platen.

Additionally, it is noted that Yamaguchi *et al.* teaches a first cassette 30 containing printing ribbon and a second cassette 20 containing ribbon medium as shown in Fig. 7 of Yamaguchi *et al.* In view of this teaching, it would have been obvious to separate the cassette 30 as disclosed by Nagasaki *et al.*, into separate first and second cassettes for the advantage of only needing to replace the cassette that needs replacing, for example, due to exhaustion of its supply. Furthermore, It has been held that making something separable is obvious if there is a motivation for separating that structure. In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is “press fitted” and therefore not manually removable. The court held that “if it were considered desirable for any reason to obtain access to the end of [the prior art’s] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose.”). See MPEP § 21044.04, part V.



Thus it would have been obvious to separate the cassette 30 as disclosed by Nagasaki *et al.*, into separate first and second cassettes for the advantage of only needing to replace the cassette that needs replacing, for example, due to exhaustion of its supply.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel J. Colilla** whose telephone number is **571-272-2157**. The examiner can normally be reached on M and W, 7:30-5:00 and T, Th and F, 8:30-4:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Judy Nguyen** can be reached at **571-272-2258**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 17, 2010

/Daniel J. Colilla/  
Primary Examiner  
Art Unit 2854